

To: Lammie, Benjamin[Lammie.Benjamin@epa.gov]; Kulpan, Bruce[Kulpan.Bruce@epa.gov]
Cc: Dixon, Douglas[Dixon.Douglas@epa.gov]
From: Northridge, Michael
Sent: Wed 11/18/2015 2:05:55 PM
Subject: RE: Responses to your questions re: the effort to secure access from Todd Hennis to Gold King Mine and related areas

Ben,

Welcome back.

Attorney Client/Ex. 5

Please be advised that I have been deferring (and will continue to defer) to Doug (and DSW) on Richard Sisk's question about the access conditions 'cuz DD & DSW are our office's contacts on access.

-----Original Message-----

From: Lammie, Benjamin
Sent: Wednesday, November 18, 2015 8:52 AM
To: Kulpan, Bruce <Kulpan.Bruce@epa.gov>; Northridge, Michael <Northridge.Michael@epa.gov>
Cc: Dixon, Douglas <Dixon.Douglas@epa.gov>
Subject: RE: Responses to your questions re: the effort to secure access from Todd Hennis to Gold King Mine and related areas

Attorney Client/Ex. 5

Thank you.

Ben

-----Original Message-----

From: Kulpan, Bruce
Sent: Monday, November 16, 2015 11:08 AM
To: Northridge, Michael <Northridge.Michael@epa.gov>
Cc: Patterson, Kenneth <Patterson.Kenneth@epa.gov>; Lammie, Benjamin <Lammie.Benjamin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; DeLeon, Rafael <DeLeon.Rafael@epa.gov>; Mott, Patricia <Mott.Patricia@epa.gov>; Hautamaki, Jared <Hautamaki.Jared@epa.gov>; Dixon, Douglas <Dixon.Douglas@epa.gov>
Subject: Re: Responses to your questions re: the effort to secure access from Todd Hennis to Gold King Mine and related areas

Thanks

Sent from my iPhone

> On Nov 16, 2015, at 9:58 AM, "Northridge, Michael" <Northridge.Michael@epa.gov> wrote:
>
> Confidential and privileged

Attorney Client/Ex. 5

Attorney Client/Ex. 5

>
> -----Original Message-----
> From: Kulpan, Bruce
> Sent: Monday, November 16, 2015 10:38 AM
> To: Northridge, Michael <Northridge.Michael@epa.gov>
> Cc: Patterson, Kenneth <Patterson.Kenneth@epa.gov>; Lammie, Benjamin
> <Lammie.Benjamin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>;
> DeLeon, Rafael <DeLeon.Rafael@epa.gov>; Mott, Patricia
> <Mott.Patricia@epa.gov>; Hautamaki, Jared <Hautamaki.Jared@epa.gov>
> Subject: Re: Update on effort to secure access from Todd Hennis to
> Gold King Mine and related areas
>

Attorney Client/Ex. 5

> Sent from my iPhone
>
>> On Nov 16, 2015, at 8:51 AM, "Northridge, Michael" <Northridge.Michael@epa.gov> wrote:
>>
>> FYI
>>
>> From: Sisk, Richard
>> Sent: Saturday, November 14, 2015 1:40 PM
>> To: Northridge, Michael <Northridge.Michael@epa.gov>
>> Subject: FW: Access
>>
>> Mike - FYI
>>
>> Richard Sisk
>> Attorney
>> U.S. EPA Region 8
>> ENF-L
>> 1595 Wynkoop
>> Denver, CO 80202-1129
>>
>> Phone: 303-312-6638
>> Fax: 303-312-6409

>> E-mail: sisk.richard@epa.gov<mailto:sisk.richard@epa.gov>

>>

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>>

>> From: Sisk, Richard

>> Sent: Saturday, November 14, 2015 11:30 AM

>> To: Bohan, Suzanne; Madigan, Andrea; Urdiales, Aaron; Land, Kelcey;

>> Rudy, Michael; McCaffrey, Shawn

>> Cc: John Moscato

>> (John.Moscato@usdoj.gov<mailto:John.Moscato@usdoj.gov>); Steven Way

>> (way.steven@epa.gov<mailto:way.steven@epa.gov>)

>> Subject: FW: Access

>>

Attorney Client/Ex. 5

>>

>> Richard Sisk

>> Attorney

>> U.S. EPA Region 8

>> ENF-L

>> 1595 Wynkoop

>> Denver, CO 80202-1129

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>> Phone: 303-312-6638

>> Fax: 303-312-6409

>> E-mail: sisk.richard@epa.gov<mailto:sisk.richard@epa.gov>

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>>

>> From: David A. Cook [mailto:lawbydave@gmail.com]

>> Sent: Friday, November 13, 2015 12:49 PM

>> To: Sisk, Richard

>> Subject: RE: Access

>>

>> Thanks for taking care of the date issue. I attach a signed copy of the requested consent. I believe each of the following conditions is understood and not controversial:

>> EPA to provide proof of Insurance coverage for Todd Hennis Mr. Hennis

>> is not responsible for pollution caused by EPA activities on the

>> sites Mr. Hennis is not responsible for the EPA having created a

>> point source discharge on the sites Mr. Hennis continues to have

>> access to the buildings and stored equipment when needed Any taxes on

>> the improvements will be paid by the EPA EPA is responsible for all snow removal and will be conducted in such a way as not to interfere with Mr. Hennis' access.

>> When the EPA leaves, Mr. Hennis retains the right to improvements EPA
>> must not dispose of sludge from two surge ponds (Anglo Saxon and Harisson) and/or from the filter
bags on Herbert, onsite or at San Juan Corp's Gold King or Mogul mines.
>>
>>
>> David A. Cook
>> David A. Cook, P.C.
>> 6 S Tejon St Ste 400
>> Colorado Springs, CO 80903
>> (719) 634-6736
>>
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cannot be used for the purposes of avoiding federal tax penalties. Any advice in this communication is
limited to the conclusions specifically set forth herein and is based on the completeness and accuracy of
the stated facts, assumptions and/or representations included.
>>
>> From: Sisk, Richard [mailto:Sisk.Richard@epa.gov]
>> Sent: Thursday, November 12, 2015 3:02 PM
>> To: David A. Cook
>> Cc: John Moscato
>> (John.Moscato@usdoj.gov<mailto:John.Moscato@usdoj.gov>); Bohan,
>> Suzanne; Madigan, Andrea; Land, Kelcey; Urdiales, Aaron; Rudy,
>> Michael; McCaffrey, Shawn
>> Subject: RE: Access
>>
>> Dave – Thank you for the call this afternoon. Based on our conversation, I have prepared and am
enclosing a consent for access for the Herbert Placer, Harrison Millsite, and Anglo Saxon Claim that
provides access through March 31, 2016. As you can see this follows the consent attached to my
November 10, 2015 letter but with a March 31, 2016 termination date. If I have misunderstood what Mr.
Hennis is willing to do concerning extending the consent for access through this date, please let me
know.
>>
>> I understand that your client would like to continue discussions on the path forward with EPA. I look
forward to your letter that sets out your clients thoughts about future discussions and the path forward. I
will forward your letter to EPA management for consideration and get back to you as soon as possible.
>>
>>
>> Richard Sisk
>> Attorney
>> U.S. EPA Region 8
>> ENF-L
>> 1595 Wynkoop
>> Denver, CO 80202-1129
>>
>> Phone: 303-312-6638
>> Fax: 303-312-6409
>> E-mail: sisk.richard@epa.gov<mailto:sisk.richard@epa.gov>
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>>

>> From: Sisk, Richard

>> Sent: Thursday, November 12, 2015 9:42 AM

>> To: 'David A. Cook'

>> Subject: RE: Access

>>

>> Dave – Sorry, I wasn't working yesterday but I am today. Give me a call if you have time.

>>

>> Richard Sisk

>> Attorney

>> U.S. EPA Region 8

>> ENF-L

>> 1595 Wynkoop

>> Denver, CO 80202-1129

>>

>> Phone: 303-312-6638

>> Fax: 303-312-6409

>> E-mail: sisk.richard@epa.gov<<mailto:sisk.richard@epa.gov>>

>>

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>>

>> From: David A. Cook [<mailto:lawbydave@gmail.com>]

>> Sent: Wednesday, November 11, 2015 8:27 AM

>> To: Sisk, Richard

>> Subject: RE: Access

>>

>> If your working today, please call me on my cell (719) 209-4227

>>

>> David A. Cook

>> David A. Cook, P.C.

>> 6 S Tejon St Ste 400

>> Colorado Springs, CO 80903

>> (719) 634-6736

>>

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>>

>> From: Sisk, Richard [<mailto:Sisk.Richard@epa.gov>]

>> Sent: Tuesday, November 10, 2015 3:13 PM

>> To: David A. Cook (lawbydave@gmail.com<mailto:lawbydave@gmail.com>);
>> mogull
>> Cc: Way, Steven
>> Subject: Access
>>
>> Dave – Attached is a letter that is being mailed to you and to Todd this afternoon, acknowledging that Todd has agreed to provide continued access to the Gold King Mine and the Mogul-Grand Mogul Mine properties that he or one of the corporations own. I have attached a list as Exhibit A that shows these claims. This list was attached to the draft settlement agreement that you sent to me back in September. I deleted the Harrison Millsite, Anglo Saxon claim and the Herbert Placer from that list. I would also note that the list in Exhibit A includes the Hoffman claim associated with the Red and Bonita Mine.
>>
>> The letter also renews EPA's request for Todd to extend the consent for access to the Harrison Millsite, Anglo Saxon claim and the Herbert Placer and indicates that EPA can't agree to a lease at \$10,000 per month.
>>
>> Let me know if you have any questions.
>>
>> Richard Sisk
>> Attorney
>> U.S. EPA Region 8
>> ENF-L
>> 1595 Wynkoop
>> Denver, CO 80202-1129
>>
>> Phone: 303-312-6638
>> Fax: 303-312-6409
>> E-mail: sisk.richard@epa.gov<mailto:sisk.richard@epa.gov>
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>>
>> <Consent 11.13.15.pdf>
> <Consent 11.13.15.pdf>